

**REMARKS****I. Status of the Claims**

Claims 1-2, 4-8, 10-12, 14, 18-20, 22, 26-29, 32-34, 38, 40, and 49-51 are currently pending. Claims 32-34 and 40 have been allowed.

By this Amendment, claims 1, 4, 8, 10, 12, 14, 18-20, 22, 26, 38, 49 and 51 have been amended. Upon entry of this Amendment, claims 1-2, 4-8, 10-12, 14, 18-20, 22, 26-29, 32-34, 38, 40, and 49-51 would still be pending.

**II. Objection to the Oath/Declaration**

On page 2 of the Office Action, the Examiner has stated that the oath/declaration is defective for failure to identify the application by application number and filing date.

Applicants respectfully disagree with the Examiner's objection and believe that the submitted declaration filed along with the application satisfies the requirements of the Patent Office.

Applicants submitted a proper declaration along with the application on July 1, 1998, the filing date of the subject application. The submitted declaration indicated the title of the invention, priority information, and the names and addresses of each named inventor.

As noted in the eighth edition, (incorporating Revision No. 1) of the MPEP, Section 602 "Identification of Application" (page 600-29), certain combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums and therefor will be accepted as complying with the identification requirement of 37 C.F.R. §1.63. In particular, the following combinations are acceptable: "(A) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing; (B)

name of inventor(s), and attorney docket number which was on the specification as filed; or (C) name of inventor(s), and title of the invention which was on the specification as filed.”

Since the submitted declaration included the title of the invention and the names of the inventors, and in addition, indicated that the specification for the named invention was attached thereto, the declaration complies with the requirements for 37 C.F.R. §1.63. Thus, reconsideration and withdrawal of this objection is respectfully requested.

### **III. Rejection Under 35 U.S.C. §103 Rejection**

Claims 1, 4-8, 10-11, 18-19 and 51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Murakami et al. (U.S. Patent Re 35,104) in view of Odaka (U.S. Patent No. 5,172,380) further in view of Eyer et al. (U.S. Patent No. 5,982,445). Claims 2 and 50 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Murakami et al. (U.S. Patent Re 35,104) in view of Odaka (U.S. Patent No. 5,172,380) and Eyer et al. (U.S. Patent No. 5,982,445) and further in view of Engelbrecht et al. (U.S. Patent No. 5,912,917). Claims 22, 26-29 and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Murakami et al. in view of Engelbrecht et al. and further in view of Eyer et al. Claims 12 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Murakami et al. in view of Hunsinger et al. (U.S. Patent No. 5,956,624) and further in view of Eyer et al.

Independent claims 1, 8, 12, 18-20, 22, 38, 49 and 51 have generally been amended to recite that the second information includes “character information”. Accordingly, these claims, such as claim 1, are directed to an information processing apparatus or method which generates (transmits) or receives each of a broadcast signal which multiplexes first information of a Markup language description format, and a broadcast signal which multiplexes

second information including character information without using the Markup language description format.

As generally acknowledged by the Examiner, the cited references of Murakami, Odaka, Engelbrecht and Hunsinger, individually or in combination, do not disclose or suggest the above-noted claimed feature. The Examiner relies upon newly cited Eyer as teaching such features in col. 4, lines 21-24 and col. 8, lines 13-16. However, Eyer simply shows multiplexing of HTML/HTVP data and programming services data, i.e., audio/video data. Eyer is silent as to the programming services data being character data.

Thus, Eyer and the other cited references, individually or in combination, do not disclose or suggest a broadcast signal which multiplexes second information including character information without using the Markup language description format. Accordingly, claims 1-2, 4-8, 10-12, 14, 18-20, 22, 26-29, 38, and 49-51 are distinguishable over the cited references.

### **CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

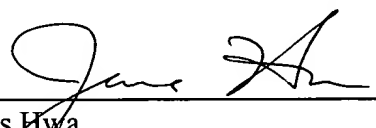
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4450. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4450. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: 3/4/04

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